

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

EDWIN WHITE II)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-21-709-J
)	
BILLY MILLS and)	Case No. CJ-2021-368
P.A.M. TRANSPORT INC.)	(Oklahoma County)
)	
Defendants.)	

NOTICE OF REMOVAL OF DEFENDANT P.A.M. TRANSPORT, INC.

Pursuant to 28 U.S.C. §§ 1332, 1441(b), and 1446, Defendant P.A.M. Transport, Inc., (“PAM Transport”) hereby gives notice of removal of Case No. CJ-2021-368, filed in the District Court in and for Oklahoma County, Oklahoma, to the United States District Court for the Western District of Oklahoma.

I. TIMELINESS AND CONSENT TO REMOVAL

1. On January 26, 2021, Plaintiff commenced an action in the District Court of Oklahoma County, State of Oklahoma, by filing a Petition in Case No. CJ-2021-368, styled: *Edwin White, Plaintiff v. Billy Mills and P.A.M. Transport, Inc., Defendants.* A copy of the District Court Docket is attached. Court Docket, [Ex. 1]. A file-stamped copy of the District Court Petition is also attached hereto. Petition, [Ex. 2].

2. On February 23, 2021, Plaintiff filed a First Amended Petition, with the style revised as *Edwin White II, Plaintiff v. Billy Mills and P.A.M. Transport, Inc., Defendants.* A file-stamped copy of the First Amended Petition is also attached hereto. First Amended

Petition, [Ex. 3].

3. Summons were issued to all defendants on January 26, 2021. Court Docket, [Ex. 1].

4. The Summons and First Amended Petition were mailed to PAM Transport on June 17, 2021. Envelope, Summons, First Amended Petition received by Defendant, [Ex. 4]. Pam Transport believes service was made on June 24, 2021. However, no delivery date was noted by the U.S. Postal Service, and it is possible service occurred on the prior day. No return of service has been filed.

5. Pursuant to 28 U.S.C. § 1446(b)(1), a notice of removal must be filed within 30 days after service on a defendant of the initial pleading. 28 U.S.C. § 1446(b)(1). Because the date of service is not known with absolute certainty, PAM Transport files this Notice of Removal within 30 days of the date of mailing. This Notice is therefore timely.

6. Upon information and belief, Defendant Billy Mills has not been served with his Summons at this time.

7. As required by 28 U.S.C. § 1446(a), a copy PAM Transport's Answer to the First Amended Petition and the Entry of Appearance of the undersigned, the only other process, pleading, and/or order served upon Defendant and/or filed in the state court action, are attached. Answer of Defendant P.A.M. Transport, Inc. [Ex.5]; Entry of Appearance, [Ex. 6].

II. DIVERSITY OF CITIZENSHIP

8. According to the First Amended Petition, Plaintiff Edwin White II is a resident of Oklahoma County, Oklahoma. First Amended Petition, ¶ 1 [Ex. 3]. Thus, for

the purposes of this litigation, Plaintiff is a citizen of Oklahoma.

9. Upon information and belief, Defendant Mills is an individual that resides in the State of North Carolina. Id., ¶ 2 [Ex. 3].

10. PAM Transport is a foreign for-profit corporation incorporated in the State of Arkansas, with its principal place of business located in Tontitown, Arkansas. Arkansas Secretary of State Business Entity Search Results for P.A.M. Transport, Inc., available at https://www.sos.arkansas.gov/corps/search_corps.php?DETAIL=28002&corp_type_id=&corp_name=P.A.M.+transport&agent_search=&agent_city=&agent_state=&filing_num ber=&cmd= (last visited June 12, 2021) [Ex. 7].

11. Insofar as Plaintiff is a citizen of Oklahoma and the Defendants are citizens of Arkansas and North Carolina, complete diversity of citizenship exists for purposes of 28 U.S.C. § 1332(a)(1).

III. AMOUNT IN CONTROVERSY

12. Plaintiff, in his First Amended Petition, has asserted claims for negligence, negligence per se, negligent entrustment, and negligent hiring, training, screening, and supervision in relation to a motor vehicle accident that occurred in Oklahoma County, Oklahoma on March 11, 2019. First Amended Petition, [Ex. 3].

13. Plaintiff alleges that he suffered “serious injuries” as a result of the accident, with damages in excess of \$250,000. Id., ¶ 34 [Ex. 3]. Plaintiff also asserts that he is entitled to recover punitive damages against Defendants. Id., ¶ 36 [Ex. 3].

14. Contemporaneous with the filing of this Notice of Removal, PAM Transport will give written notice thereof to Plaintiff and file a copy of the Notice of Removal with

the Clerk of the District Court of Oklahoma County, Oklahoma.

WHEREFORE, for all the foregoing reasons, this action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and is one which may be removed by this Court pursuant to 28 U.S.C. § 1441. This action is between citizens of different states, and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

Respectfully submitted,

s/ Laura L. Eakens

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Laura L. Eakens, OBA #20196

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**ATTORNEYS FOR DEFENDANT P.A.M.
TRANSPORT, INC.**

CERTIFICATE OF SERVICE

This is to certify that on the 14th day of July 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing was sent to the following ECF registrants:

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ATTORNEYS FOR PLAINTIFF

s/Laura L. Eakens
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